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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,609	10/24/2000	Klaus Hofrichter	SONY-50N3765	3968
7590	07/07/2005		EXAMINER	
Sheryl Sue Holloway Blakely, Sokoloff, Taylor & Zafman LLP 12400 Wilshire Boulevard, Seventh Floor Los Angeles, CA 90024			SRIVASTAVA, VIVEK	
		ART UNIT	PAPER NUMBER	
		2617		

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/696,609	HOFRICHTER ET AL.
	Examiner	Art Unit
	Vivek Srivastava	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 March 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Response to Arguments***

(1) Applicant argues “Sezan is silent about providing instructions that cause automated management of the media storage device without requiring user input.

The Examine respectfully disagrees. Sezan clearly discloses the system description scheme manages programs and other data which has been received (see col 6 lines 23 – 39). It is noted that the claim fails to recite where the management instructions have been received from. Sezan further discloses “the user description scheme provides information (management instructions) to a software agent that in turn performs a search and filtering on behalf of the user by possibly using the system description scheme and program description scheme information”. The Examiner respectfully recommends Applicant’s to further narrow the claims with respect to the claimed management instructions to overcome the Sezan reference.

(2) Applicant requests references in support of the Official Notice taken by the Examiner.

The Examiner cites Willens (US 5,889,958) which teaches downloading user specific filters from a central server for content monitoring of Internet programming (see col 1 lines 6 – 13). Further reference to support the Official Notice taken can be provided as per Applicant’s request.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 2, 4 and 6 – 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Sezan et al (6,236,395).**

**Regarding claim 1,** Sezan discloses a method and a computer readable medium for enabling an electronic device for automated management of a on-site storage device (see col 6 lines 23 – 39 and col 7 lines 7 – 40). Sezan discloses receiving and radio and video programs and recoding the programs (see col 7 lines 7 – 38, col 6 lines 23 – 39). Sezan further discloses receiving context data describing the received programs (see description scheme – col 5 lines 33 – 46, col 6 lines 1 – 38 and col 9 lines 13 – 48). In addition, Sezan teaches receiving storage management instructions according to a user profile and automatically storing the content data and context data in accordance with the storage management instructions (see col 9 lines 1 – 7, col 9 line 40 – col 10 line 37, col 7 lines 7 – 38). It is noted that the storage management instructions are met by the all the description schemes including the program scheme, user scheme and system scheme (see col 4 line 40 – col 6 line 39).

**Regarding claim 2**, Sezan inherently discloses the claimed processor and computer readable memory as required to perform the function of automated management of data stored on the storage medium (see col 6 lines 23 – 39, col 6 line 63 – col 7 line 40).

**Regarding claim 4**, Sezan discloses the claimed managing content data and context data of media signal stored on the media storage device according to storage management instructions (see col 9 lines 1- 7, col 9 line 40 – col 10 line 37, col 7 lines 7 – 38).

**Regarding claims 6 and 8**, Sezan discloses deleting of stored programs and writing of programs (see col 11 lines 50 – 67) per a user description profile scheme and thus discloses the claimed “allowing overwriting of a new media signal over a media signal recorded onto said media storage device in accordance with said storage management instructions”.

**Regarding claim 7**, Sezan discloses receiving user preferences from said on-site user (see col 5 lines 37-45, col 9 lines 40 – 50).

**Regarding claim 9**, Sezan discloses updating the description schemes (see col 6 lines 1 – 6, col 9 lines 9 – 25).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3, 5 and 10 – 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al (6,236,395).**

**Regarding claims 3, 13 and 23** although Sezan discloses the system description scheme provides program and data management (see col 6 lines 23 – 39) and suggests transmitting the system description scheme (see col 8 lines 1 – 5), Sezan fails to disclose wherein the storage management instructions are provided by a storage management service provider, located remotely from the media storage device.

The Examiner takes Official Notice it would have been well known to transmit management instructions from a server to a user client device for local filtering or programming to reduce the software and hardware required for generating management instructions at each user client device. Therefore, it would have been obvious to modify Sezan to include the claimed limitations to reduce the hardware and software required at the user client device.

**Regarding claims 5, 10, 15, 20, 25 and 30** although Sezan discloses filtering according to a user profile, Sezan fails to disclose providing context-sensitive management and wherein the storage management instructions are capable of managing a discrete context-content clip of data. The Examiner takes Official Notice it would have been well known to provide context-sensitive filtering of programming to provide a user with programming with undesired context-sensitive and context-content material like foul language or violence. Therefore, it would have been obvious to modify Sezan to include the claimed limitations to filter out un-desired content.

**Regarding claims 11 and 21,** Sezan discloses a method and computer readable medium for generating storage management instructions for an on-site media storage device, the storage management instructions operable for automated management of data stored on on-site media storage device without requiring user input as discussed in claim 1 above. Although Sezan discloses the system description scheme provides program and data management (see col 6 lines 23 – 39) and suggests transmitting the system description scheme (see col 8 lines 1 – 5), Sezan fails to disclose transmitting the storage management instructions to the on-site media storage device. The Examiner takes Official Notice it would have been well known to transmit management instructions from a server to a user client device for local filtering or programming to reduce the software and hardware required for generating management instructions at each user client device. Therefore, it would have been obvious to modify Sezan to include the claimed limitations to reduce the hardware and software required at the user client device.

**Regarding claims 12 and 22,** Sezan discloses enabling the storage management instructions to execute on the on-site media storage device (see col 6 lines 23 – 39, col 6 line 63 – col 7 line 40).

**Regarding claims 14 and 24,** Sezan discloses automated management of a media signal without requiring input from a user (see col 11 lines 50 – 65, col 7 lines 7 – 49).

**Regarding claims 16 – 18 and 26 - 28,** Sezan discloses deleting of stored programs and writing of programs (see col 11 lines 50 – 67) per a user description

profile scheme and thus discloses the claimed “allowing overwriting of a new media signal over a media signal recorded onto said media storage device in accordance with said storage management instructions”, “storage management instructions are capable of interpreting user preference data from an on-site user of said on-site media storage device” and “tailoring storage management instructions with respect to user preferences”.

**Regarding claims 19 and 29,** Sezan discloses updating the description schemes (see col 6 lines 1 – 6, col 9 lines 9 – 25).

**Regarding claim 31,** Although Sezan discloses the system description scheme provides program and data management (see col 6 lines 23 – 39) and suggests transmitting the system description scheme (see col 8 lines 1 – 5), Sezan fails to disclose the claimed wherein the storage management instructions are integrated with the media signal. The Examiner takes Official Notice it would have been well known to transmit management instructions from a server to a user client device for local filtering or programming to reduce the software and hardware required for performing the generation of management instructions at each user client device. Therefore, it would have been obvious to modify Sezan to include the claimed limitations to reduce the hardware and software required at the user client device.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ismail et al (6,614,987) – TV program recording

Russo (6,732,366) – Stored program pay-per-play

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs  
5/14/05



VIVEK SRIVASTAVA  
PRIMARY EXAMINER